



General Assembly

Substitute Bill No. 5930

January Session, 2003

***AN ACT CONCERNING CONFIDENTIALITY OF EMPLOYEE
ASSISTANCE PROGRAM CLIENT COMMUNICATIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-128a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 As used in this chapter:

4 (1) "Employee" means any individual currently employed or
5 formerly employed by an employer and includes individuals in
6 managerial positions;

7 (2) "Employee assistance program" means a program sponsored or
8 authorized by an employer, intended to assist employees in identifying
9 and resolving personal concerns including, but not limited to, health,
10 marital, family, financial, alcohol, drug, gambling, legal, emotional,
11 stress or other personal issues that may affect job performance;

12 (3) "Employee assistance professional" means any person who is
13 required by job description or employment contract to provide services
14 pursuant to an employee assistance program;

15 [(2)] (4) "Employer" means an individual, corporation, partnership
16 or unincorporated association;

17 [(3)] (5) "Personnel file" means papers, documents and reports

18 pertaining to a particular employee which are used or have been used
19 by an employer to determine such employee's eligibility for
20 employment, promotion, additional compensation, transfer,
21 termination, disciplinary or other adverse personnel action including
22 employee evaluations or reports relating to such employee's character,
23 credit and work habits. "Personnel file" does not mean stock option or
24 management bonus plan records, medical records, letters of reference
25 or recommendations from third parties including former employers,
26 materials which are used by the employer to plan for future
27 operations, information contained in separately maintained security
28 files, test information, the disclosure of which would invalidate the
29 test, or documents which are being developed or prepared for use in
30 civil, criminal or grievance procedures;

31 [(4)] (6) "Medical records" means all papers, documents and reports
32 prepared by a physician, psychiatrist or psychologist that are in the
33 possession of an employer and are work-related or upon which such
34 employer relies to make any employment-related decision;

35 [(5)] (7) "Security files" means memoranda, documents or collections
36 of information relating to investigations of losses, misconduct or
37 suspected crimes, and investigative information maintained pursuant
38 to government requirements, provided such memoranda, documents,
39 or information are maintained separately and not used to determine an
40 employee's eligibility for employment, promotion, additional
41 compensation, transfer, termination, disciplinary or other adverse
42 personnel action.

43 Sec. 2. Section 31-128i of the general statutes is repealed and the
44 following is substituted in lieu thereof (*Effective October 1, 2003*):

45 (a) No employee assistance professional, employee or state
46 employee shall be required to disclose any information or records
47 concerning or confirming the employee's voluntary participation in an
48 employee assistance program sponsored or authorized by an employer
49 or the state or any of its agencies.

50 (b) Except as permitted under section 31-128f, no employee
51 assistance program, by itself or its agents or representatives, shall
52 disclose any information or records concerning or confirming an
53 employee's or a state employee's voluntary participation in such
54 program without the prior written consent of the employee or state
55 employee, except where disclosure is necessary to prevent harm to the
56 employee or others.

57 (c) For purposes of this section, "state employee" means any
58 employee in the executive, legislative or judicial branch of state
59 government, whether in the classified or unclassified service and
60 whether full or part-time and any employee of a quasi-public agency.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

PH *Joint Favorable Subst.*

GAE *Joint Favorable*